

Entered 8-26-04 sb  
CL 04L0555 GWENDOLYN BURNS

CLAIM OF: NATHAN J. DALLAS  
64 Charlestowne Drive  
Augusta, Georgia 30907

04-*L*-1783

For vehicular damage allegedly sustained when debris from a city vehicle struck and cracked a windshield on April 3, 2004 on Interstate 85 southbound.

THIS ADVERSED REPORT IS  
APPROVED

BY: \_\_\_\_\_

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 10/12/04

CHAIR: H. G. Williams

Capt. T. Mark

Mayor Donnan

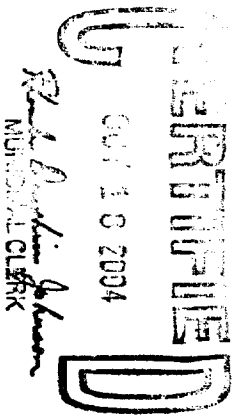
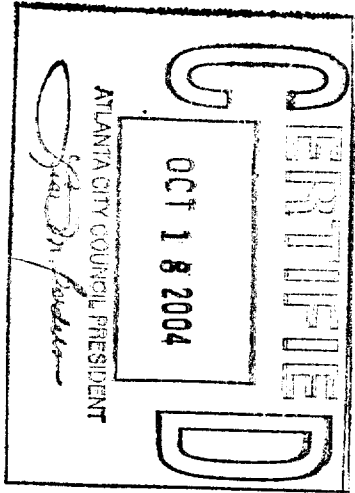
Chela Smith

Paul Shaw

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



ADVERSED BY  
CITY COUNCIL

OCT 18 2004

ADVERSED BY  
CITY COUNCIL



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

October 19, 2004

Mr. Nathan J. Dallas  
64 Charlestowne Drive  
Augusta, Georgia 30907

**04-R-1783**

Dear Mr. Dallas:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 18, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,  
*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0555

Date: September 26, 2004

Claimant /Victim NATHAN J. DALLAS  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 64 Charlestowne Drive, Augusta, Georgia 30907  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 215.85 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 8/17/04 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X  
Date of Occurrence 4/3/04 Place: Interstate 85 South  
Department WATERSHED MANAGEMENT Division: Waste Water Treatment & Collections  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** Claimant alleges that his vehicle sustained damage when flying debris from a city truck struck and cracked the windshield of his automobile. However an investigation determined that the claimant did not obtain sufficient information about the city vehicle to substantiate his claim.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

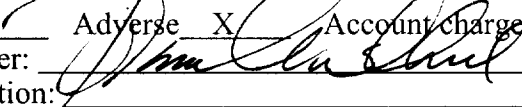
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 29/28/04  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 6139  
10/18/04  
2:33 PM

Atlanta City Council

## Regular Session

CONSENT I                CONSENT I PGS 6-18, EXCEPT:04-O-1369  
                                04-R-1764 04-R-1765  
                                ADOPT

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	1

NV	Smith	Y	Archibong	Y	Moore	Y	Mitchell
	Y Starnes	Y	Fauver		Y Martin	Y	Norwood
	Y Young	Y	Shook	B	Maddox	Y	Willis
	Y Winslow	Y	Muller	Y	Sheperd	NV	Borders

CONSENT I

		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 04-O-1570 2. 04-O-1586 3. 04-O-1667 4. 04-O-1669 5. 04-O-1670 6. 04-O-1671 7. 04-O-1672 8. 04-O-1658 9. 04-O-1807 10. 04-O-1810 11. 04-O-1813 12. 04-O-1817 13. 04-O-1850 14. 04-O-1651 15. 04-O-1654 16. 04-O-1808 17. 04-R-1472 18. 04-R-1751 19. 04-R-1798 20. 04-R-1485 21. 04-R-1759 22. 04-R-1760 23. 04-R-1761 24. 04-R-1797 25. 04-R-1824 26. 04-R-1825 27. 04-R-1762 28. 04-R-1754 29. 04-R-1755 30. 04-R-1756 31. 04-R-1757 32. 04-R-1827 33. 04-R-1799 34. 04-R-1768 35. 04-R-1769 36. 04-R-1770 37. 04-R-1771	38. 04-R-1772 39. 04-R-1773 40. 04-R-1774 41. 04-R-1775 42. 04-R-1776 43. 04-R-1777 44. 04-R-1778 45. 04-R-1779 46. 04-R-1780 47. 04-R-1781	48. 04-R-1783 49. 04-R-1784 50. 04-R-1785 51. 04-R-1786 52. 04-R-1787 53. 04-R-1788 54. 04-R-1789 55. 04-R-1790 56. 04-R-1791 57. 04-R-1792 58. 04-R-1793 59. 04-R-1794